

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Rich Media Club LLC,

Plaintiff,

v.

Duration Media LLC,

Defendant.

No. CV-22-02086-PHX-JJT

ORDER

At issue is Defendant's Opposed Motion to Stay Pending Director Review and Resolution of Related *Inter Partes* Review (Doc. 42), to which Plaintiff filed a Response (Doc. 43) and Defendant filed a Reply (Doc. 45).

The Court stayed this matter pending the Patent Trial and Appeal Board's (PTAB) decision on Defendant's Petition for *Inter Partes* Review of the '329 Patent at issue in this case. (Doc. 36.) Defendant now seeks an extension of the stay because it has requested Director Review of the PTAB's final written decision denying its Petition for *Inter Partes* Review, and because it has filed for *inter partes* review of the '482 Patent, which it claims is related to the '329 Patent. The latter reason is not good cause for extending the stay, because the PTAB has now denied institution of *inter partes* review of the '482 Patent, which occurred after Defendant filed the present Motion. (*See* Doc. 44.)

As for Defendant's request for Director Review, Defendant states that the U.S. Patent and Trademark Office (USPTO) will decide whether to grant Defendant's request

1 “by November of 2024.” (Doc. 42 at 4.) Plaintiff contends that the USPTO “has only
2 granted Director Review in response to 5.3% of the requests.” (Doc. 43 at 2–3.)

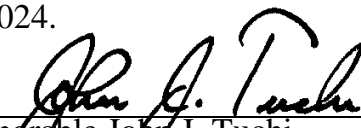
3 The Court is inclined to lift the stay on this matter based on the PTAB’s denial of
4 Defendant’s Petition for *Inter Partes* Review, because the PTAB’s review of that Petition
5 was the basis of this Court’s stay, this case has already been delayed for well over a year,
6 and Plaintiff has shown that it will suffer prejudice if it is not able to proceed with litigating
7 this case. However, considering that Defendant expects a decision as to whether its request
8 for Director Review is granted in the next month—only a short further delay—the Court
9 will extend the stay of this case until December 2, 2024. The Court will require that the
10 parties file a joint status report within three days of the USPTO’s decision on Defendant’s
11 request for Director Review, or by December 2, 2024, whichever is sooner. Upon receipt
12 of that status report, the Court will determine whether the stay will remain in place or be
13 lifted.

14 **IT IS THEREFORE ORDERED** granting in part and denying in part Defendant’s
15 Opposed Motion to Stay Pending Director Review and Resolution of Related *Inter Partes*
16 Review (Doc. 42).

17 **IT IS FURTHER ORDERED** continuing the stay of this matter until **December 2,**
18 **2024.**

19 **IT IS FURTHER ORDERED** that the parties shall file a joint status report within
20 three days of the USPTO’s decision on Defendant’s request for Director Review, or by
21 December 2, 2024, whichever is sooner.

22 Dated this 1st day of November, 2024.

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24 Honorable John J. Tuchi
25 United States District Judge
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